

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington DC 20554**

In the Matter of)	
)	
Amendment of Part 101 of the)	WT Docket No. 10-153
Commission's Rules to Facilitate the Use)	
of Microwave for Wireless Backhaul and)	
Other Uses and to Provide Additional)	
Flexibility to Broadcast Auxiliary Service)	
and Operational Fixed Microwave)	
Licensees)	
To: The Commission		

**COMMENTS OF
THE NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters ("NAB")¹ responds here to the Further Inquiry in this proceeding, which seeks supplemental information for the record on how to "strike the appropriate balance between making FS spectrum available for backhaul and other uses and ensuring spectrum is available for critical newsgathering activities."² NAB appreciates the importance of, and the challenges associated with, striking this balance. The Further Inquiry shows that the FCC is taking seriously the concerns of broadcasters as well as wireless interests, particularly with respect to how best to protect itinerant TV pickup stations used for electronic newsgathering ("ENG") activities throughout a station's service area. The proposals suggested in the Further Inquiry go

¹ NAB is a nonprofit trade association that advocates on behalf of local radio and television stations and also broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

² *Public Notice*, "Wireless Backhaul: Further Inquiry into Fixed Service Sharing of the 6875-7125 MHz and 12700-13200 MHz bands," DA 11-1011, WT Docket No. 10-153, at para. 9 (June 7, 2011) ("Further Inquiry").

a long way toward meeting broadcasters' concerns. Because potential for interference remains, however, especially with respect to itinerant TV pickup operations, we continue to recommend that new Fixed Service ("FS") operations be licensed on a secondary basis in the 7 GHz and 13 GHz bands at least in the foreseeable future. Secondary status for FS operations could be revisited once there is sufficient experience on the part of the stakeholders with respect to how well sharing spectrum works in these bands.

Feasibility of Sharing. The Further Inquiry seeks comment on a Wireless Telecommunications Bureau ("WTB") staff analysis which suggests that "opening the 7 and 13 GHz bands to FS operations could be of particular benefit in rural areas."³ This analysis is consistent with, and a corollary of, the fact that the 7 GHz and 13 GHz bands are particularly congested in the larger markets (although given the unpredictable nature of itinerant newsgathering and news reporting operations, even more remote areas can experience spikes in ENG operations)⁴. We agree with the suggestion in the Further Inquiry that "imposing geographic restrictions on FS sharing in the 7 and 13 GHz bands would minimize interference potential between FS facilities and TV pickup stations." Moreover, we support the proposal to prohibit an FS station from locating its path within the service area of a TV pickup station on the same channel.⁵

Reserving Spectrum for Nationwide BAS Use. We also agree with the Further Inquiry's observation that differences between the BAS and CARS rules and the FS

³ Further Inquiry at para. 5.

⁴ The tornados and weather that caused wide-spread devastation in Alabama are just one recent example of where large numbers of ENG operations can occur in relatively rural areas of the country.

⁵ *Id.* at para. 6 (citing the coordination distances specified in TIA Bulletin TSB-10-F).

rules may warrant a reservation of portions of the 7 and 13 GHz spectrum bands exclusively for BAS/CARS use. As the FCC notes, broadcasters may operate BAS facilities on a short-term basis anywhere in the country, without prior Commission authorization, which facilitates critical coverage of breaking news events.⁶ Temporary fixed uses (such as those entailed by broadcasters' itinerant ENG operations at the scene of breaking news stories) are essentially incompatible with large numbers of fixed operations in the same band.⁷ Moreover, particularly in larger markets, ENG spectrum already is congested.⁸ Reserving portions of the 7 and 13 GHz spectrum bands would serve the public interest in receiving broadcasters' ENG reports from the scenes of natural disasters, other emergency situations, and other breaking news events. Thus, we agree with the proposal to reserve two 25 MHz channels for BAS/CARS use in each band, at 7075-7125 MHz and 13.15-13.2 GHz, protecting these reserved bands from an influx of FS operations. We also urge the Commission to adopt our secondary proposal for FS or consider adopting a mechanism for temporarily repurposing additional channels to BAS from fixed operation during major events and disasters.

Channelization Plans. The Further Inquiry cites concerns raised by commenters such as Engineers for the Integrity of Broadcast Auxiliary Services Spectrum ("EIBASS") that authorization for a range of channel bandwidths would result

⁶ *Id.* at para. 8.

⁷ See Comments of NAB and the Association for Maximum Service Television, Inc. ("MSTV"), at 6 (Oct. 25, 2010) ("NAB and MSTV Comments") (describing the unpredictable nature of broadcasters' ENG operations and noting that broadcasters currently avoid interference by not placing fixed links in the same bands used for itinerant operations).

⁸ *Id.* at 6-7.

in spectrum inefficiencies.⁹ For example, a single 30 MHz channel bandwidth would preclude the use of two 25 MHz channels. We agree with these concerns and support a consistent 25 MHz channel bandwidth plan for BAS and FS operations across both the 7 GHz and 13 GHz bands.¹⁰

Coordination Procedures. With respect to coordination procedures, WTB observes that “[i]f the Commission were to permit FS operations in the 7 and 13 GHz bands only outside of the authorized service areas of TV pickup stations... it could likewise maintain the existing requirements that FS and fixed BAS and CARS applicants coordinate using more formal Part 101 procedures,” while maintaining the less formal procedures that currently are used to coordinate the operations of TV pickup stations.¹¹ We agree. By adopting the geographic restrictions proposed in the Further Inquiry, the Commission would eliminate the need for complicated and unwieldy coordination procedures. The informal coordination procedures currently used for TV pickup operations (and other temporary fixed operations) are effective and efficient—but they are inappropriate and unworkable for addressing an influx of new FS operations within the areas where TV pickup stations and other temporary fixed BAS operations are deployed.¹² The basic incompatibility of these operations and the need for more

⁹ Further Inquiry at para. 10.

¹⁰ To be clear, we do not suggest that the Commission repeal or modify its practice of allowing broadcasters to request bandwidths that are less than the standard bandwidth. See *id.* at para. 10, citing *Revisions to Broadcast Auxiliary Service Rules in Part 74 and Conforming Technical Rules for Broadcast Auxiliary Service, Cable Television Relay Service and Fixed Services in Parts 74, 78 and 101 of the Commission’s Rules*, ET Docket No. 01-75, Memorandum Opinion and Order, 18 FCC Rcd 21834-5, at para. 13 (2003).

¹¹ Further Inquiry at para. 15.

¹² See Reply Comments of NAB and MSTV at 5-6 (Nov. 22, 2010) (“NAB and MSTV Reply Comments”).

complicated coordination procedures could be avoided with appropriate geographic restrictions.

Capacity and Loading Requirements. The Further Inquiry clarifies that the Commission has not proposed to apply capacity and loading criteria to Part 74 BAS operations, but only to Part 101 BAS operations.¹³ For the reasons explained by the Society of Broadcast Engineers (“SBE”) and EIBASS, and cited by the Further Inquiry,¹⁴ we agree that extension of capacity and loading criteria to broadcasters’ Part 74 operations would be unworkable and unnecessary.

Secondary Status for New FS Uses. In our prior filings in this proceeding, we proposed that the Commission recognize the public interest in broadcasters’ critical BAS operations by providing secondary status for new wireless backhaul operations in the 7 and 13 GHz bands.¹⁵ We reiterate this proposal here, because we believe it essential and in the public interest for broadcasters to be able to report on breaking news events and emergency situations—at any location, at any time—without having their coverage compromised by interference *from* wireless backhaul operations or *by* efforts to avoid interference to wireless backhaul operations.¹⁶ As the Commission and the stakeholders obtain real-world experience with sharing these spectrum bands, the Commission could revisit the issue of secondary status for FS operations.

¹³ Further Inquiry at para. 17.

¹⁴ *Id.* at para. 16.

¹⁵ See NAB and MSTV Comments at 7-8 and NAB and MSTV Reply Comments at 6-8.

¹⁶ We also noted that the NPRM stated that “new [backhaul] licenses in this band will need to provide full protection for existing licensees,” but did not clearly state that the “incumbent” BAS licenses to be protected include not just current BAS licenses but also those that broadcasters may obtain or modify in the future. NAB and MSTV Comments at 8.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "L. a. Walke".

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